

ORDER TO ADOPT
Title 13, Division 1, Chapter 1, Article 2.5, Sections 124.92 and 124.93

§ 124.92 Termination of Suspension or Revocation.

(a) A person ~~eligible applying~~ for termination of a suspension or revocation pursuant to Section 13353.5 of the Vehicle Code ~~may shall request the termination by completing complete an department Form DL 589 (8/94) Request Application for Termination of Action Pursuant to CVC Section 13353.5 California Vehicle Code, DL 4006 (Rev. 11/2003).~~ The DL ~~589~~ 4006 shall be completed to include:

- (1) The full name and birthdate of the individual.
- (2) The California driver license number; or file number assigned by the department in the absence of a California driver license number.
- (3) The current home and day telephone numbers, if available.
- ~~(3) A statement that the individual maintains principal residence in a state other than California, and therefore is unable to complete a drinking driver program.~~
- (4) The current residence and mailing address.
- ~~(5) A statement authorizing the department to acknowledging that the individual's California driver license will be canceled any California Driver License issued to the applicant if the applicant's suspension or revocation is terminated as requested.~~
- (6) A statement, signed and dated under penalty of perjury under the laws of California, that the individual is a resident of a state other than California, has read and understood Section 12505 of the Vehicle Code, regarding residency requirements; and Section 13353.5 of the Vehicle Code, regarding termination of suspension or revocation for nonresidents; and that the information provided on the application is true and correct.

(b) All applications submitted pursuant to subdivision (a) shall include documented proof of out-of-state residency. Proof of out-of-state residency shall include one or more of the following documents in the name and current residence address of the applicant:

- (1) Receipts for payment of resident tuition at a public institution of higher education or school records.
- (2) Utility bills issued by a utility company.
- (3) Documents issued by a licensing authority indicating a current application for a driver license in the state of residence.
- (4) Tax records issued by a State or Federal agency.
- (5) Home rental or leasing contracts, filing of homeowner's property tax exemption or homestead exemption certificate.

(6) Official voter registration documents.

(7) Official document issued by a governmental agency that can be used by the department to prove residency.

(c) Applicants who have received a prior termination of a suspension or revocation pursuant to Section 13353.5 of the Vehicle Code are not eligible to receive a subsequent termination of a suspension or revocation action pursuant to Vehicle Code Section 13353.5.

~~(b)~~(d) Upon receipt of the completed ~~form~~ DL 4006 and supporting documents, if the department determines that the driver meets the requirements of Section 13353.5 of the Vehicle Code, the suspension or revocation pursuant to Section 13352 or 13352.4 of the Vehicle Code ~~shall~~ may be terminated. Any other action against the driving privilege of the driver shall remain in full force until the driver meets the requirements for ending that action.

NOTE:

Authority cited: Section 1651, Vehicle Code. Reference: Sections 516, 12505, 13352, 13352.4, 13353.4, ~~and~~ 13353.5, and 15024, Vehicle Code

§124.93. Reissuance of California Driver License.

A driver whose suspension or revocation under Section 13352 or 13352.4 of the Vehicle Code was terminated pursuant to Section 13353.5 is not eligible for issuance of a driver license in California until:

(a) Payment of the reissuance fee imposed pursuant to Section 14904 of the Vehicle Code.

(b) The department determines that no grounds exist for refusal of a license.

(c) Three years have elapsed from the date of the termination or the driver completes the driving-under-the-influence program required pursuant to Section 13352 or 13352.4 of the Vehicle Code, submits a Notice of Completion Certificate (Form DL 101 (~~6/93~~ 6/2003)) to the department, and submits proof of financial responsibility pursuant to Section 16430 of the Vehicle Code.

NOTE:

Authority cited: Section 1651, Vehicle Code. Reference: Sections 13100, 13352, 13352.4, 13353.4, 13353.5, 14904 and 16430, Vehicle Code